



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, SS, FF

Introduction

This hearing was scheduled in response to the tenant's Application for Dispute Resolution, in which the tenant has requested a monetary Order for return of the security deposit and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution and to serve documents in a different way than required by the Act.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony and to make submissions during the hearing. No written submissions were made.

Preliminary matter

The tenant did not require an Order in relation to substitute service.

Issue(s) to be Decided

Is the tenant entitled to return of the deposit paid?

Is the tenant entitled to filing fee costs?

Background and Evidence

The parties agreed that the tenancy commenced on April 2, 2011 and that the tenant vacated on August 31, 2011.

The tenant paid a deposit in the sum of \$387.50.

The parties each confirmed that they met on September 7, 2011, at which point the tenant agreed in writing to a \$186.50 deduction from the deposit. The landlord stated he did receive the tenant's written forwarding address on September 7, 2011, but that

he did not return the balance of the deposit to the tenant as he believed he had an additional claim against the deposit.

Mutually Settled Agreement

The landlord and tenant agreed that:

- The landlord will retain \$186.50 from the deposit;
- That the landlord will pay the tenant's filing fee cost of \$50.00;
- That the landlord will send the balance of the deposit and the filing fee, in the sum of \$238.50, to the tenant at the address that was confirmed during the hearing; and
- That neither party will make any further claims against the other in relation to this tenancy.

Further, I Order the landlord to return the deposit and filing fee and I have issued a monetary order in that sum. Once payment is made by the landlord the monetary order will not be enforceable. Payment should be made within a reasonable period of time.

Conclusion

I find that the tenant has established a monetary claim, in the amount of \$238.50, which is comprised of the balance of the deposit and \$50.00 in compensation for the filing fee paid by the tenant for this Application for Dispute Resolution.

Based on these determinations I grant the tenant a monetary Order for \$238.50. In the event that the landlord does not comply with this Order, it may be served on the landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court. This Order will not be enforceable once payment has been made by the landlord.

Neither party will make further claims against the other in relation to this tenancy.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 11, 2012.

Residential Tenancy Branch